

COMMUNITY AND ECONOMIC DEVELOPMENT CLINIC & HOUSING CLINIC
YALE LAW SCHOOL

TO: Hon. Geoff Luxenberg, Co-Chair
Hon. Marilyn Moore, Co-Chair
Members of the Housing Committee

FROM: Gabriel Gassmann, Yale Law School '24
Callie McQuilkin, Yale Law School '25

DATE: February 27, 2023

RE: Support for H.B. 6633

Dear Representative Luxenberg, Senator Moore, and members of the Housing Committee:

Thank you for the opportunity to provide testimony today. Our names are Gabriel Gassmann and Callie McQuilkin, and we are law students and members of the Community & Economic Development and Housing Clinics at Yale Law School. Additionally, Callie has been a resident of Ridgefield since 2003. Our clinics have long represented Open Communities Alliance and we are here **in support of H.B. 6633 (“Fair Share”)**.

We support Fair Share because, of the policies proposed this session, Fair Share offers the most comprehensive and effective plan to address Connecticut’s affordable housing crisis.

Other proposals rely on giving grants and loans to developers and towns to encourage the construction of affordable housing.¹ These financial incentives are helpful, but they will not be enough on their own. Existing incentive-only policies in Connecticut,² and nearby in Massachusetts,³ have failed to generate meaningful numbers of new housing units in high opportunity areas.⁴ These unsuccessful programs show that restrictive local zoning policies, not just a lack of financing, drive housing shortages. Without pressure on wealthy suburbs to build, affordable housing will continue to be concentrated only in the cities that already welcome it. Suburban teachers and service workers will remain unable to live near jobs, exacerbating issues such as Connecticut’s restaurant server shortage⁵ and commuter congestion on roads.⁶ Fair Share

¹ See S.B. 985 (2023); Connecticut Office of Policy and Management, *FY 2024-2025 Biennial Budget Proposal* (2023), <https://portal.ct.gov/OPM/Bud-Budgets/2024-2025-Biennial-Budget/FY-2024-2025-Biennial-Budget>.

² CONN. GEN. STAT. § 8-13(m-x) (2021)

³ MASS. GEN. LAWS ch. 40R (2023).

⁴ See CITIZENS’ HOUSING AND PLANNING COMMISSION, *THE USE OF CHAPTER 40R IN MASSACHUSETTS* (2018), https://www.chapa.org/sites/default/files/TheUseofCh40R_2018.pdf; State of Connecticut Department of Housing, *Annual Report to the Governor and the General Assembly on Incentive Housing Zones* (2022), <https://portal.ct.gov/-/media/DOH/IHZ-2022-Report-for-Publication.pdf>.

⁵ Gaby Molina, *Restaurants Facing After-effects of Pandemic Struggling to Survive*, FOX 61 (Jan. 18, 2023), <https://www.fox61.com/article/money/business/small-business/restaurants-facing-effects-pandemic-struggling-survive/520-906e6268-0c2b-44e8-8445-f85a31d8a5cc>.

⁶ See, e.g., CONNECTICUT BUSINESS AND INDUSTRY ASSOCIATION, *Report: Connecticut’s Worst Traffic Bottlenecks* (April 22, 2021), <https://www.cbia.com/news/issues-policies/report-connecticut-traffic-bottlenecks/>.

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recognizes these issues and works to (1) address exclusionary zoning patterns that drive housing shortages, and (2) distribute affordable housing across the state.

We also support Fair Share because it fills important gaps in laws already on the books to address Connecticut's affordable housing shortage. Instead of merely tweaking C.G.S. § 8-30g and § 8-30j or continuing to rely on these laws as written, Fair Share takes much-needed, bolder steps to house vulnerable Connecticut residents.

8-30g is an important tool for motivating communities to allow safe and affordable housing. But while 8-30g compels towns to respond to developer lawsuits, Fair Share calls on municipalities to take affirmative steps toward meeting housing needs. Fair Share puts cities and towns in the driver's seat, encouraging them to proactively partner with developers and build towards their housing goals. By building with Fair Share, towns will be on a path to achieving moratoria under 8-30g, and eventually the 10% threshold.

8-30j was also a great step toward providing much-needed housing across the state. But 8-30j's requirements are general, lacking specific, measurable targets or consequences for towns that do not comply. We saw the downsides of that last year. Over 50 towns still had not submitted their 8-30j plans by September.⁷ Of the towns that did submit plans, many did not include important elements like housing needs analyses, market analyses, or specific action items. Fair Share helps municipalities realize the goals of 8-30j by providing clear housing targets and measures to enforce them.

Fair Share offers a comprehensive, enforceable solution to the state's pressing affordable housing crisis. We urge the Committee to move favorably on this bill. Thank you.

Sincerely,

Callie McQuilkin

Gabriel Gassmann

⁷ Alex Putterman, *Months After Deadline, Over 50 Towns Still Haven't Submitted Affordable Housing Plans*, CT INSIDER (Sept. 25, 2022), <https://www.ctinsider.com/news/article/connecticut-towns-affordable-housing-plans-17455271.php>.